

## **REMARKS/ARGUMENTS**

Reconsideration of this Application and entry of this Amendment is respectfully requested.

Applicant respectfully request entry of this Amendment after final rejection because the amendments place the application in condition for allowance.

### **35 U.S.C. §103 Rejections**

Claims 1-3, 5, 9-13, 15-17, 18-21, and 22-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,014,494 to George in view of U.S. Published Application Publication No. 2003/0083616 A1 to Lee *et al.* Applicants respectfully traverse the rejection. Independent claims 1 and 11 have been amended to recite that the balloon is placed in a first sealed interior space of the pouch and an oxygen absorber is placed in a second sealed interior space of the pouch. Neither the George patent, nor the Lee *et al.* publication disclose such a pouch. The George patent does not describe the packages in detail. The Lee *et al.* publication discloses a pouch with a single interior space, as shown in FIG. 4. Further, neither the George patent, nor the Lee *et al.* publication, discloses the step of placing an oxygen absorber in the pouch, as recited in independent claims 1 and 11. Further, neither the George patent, nor the Lee *et al.* publication, disclose that the nitrogen gas flush reduces the oxygen content within the pouch to less than about 10%, as recited in independent claim 1 and dependent claim 21. The cited references certainly do not disclose reducing the oxygen content to below 1%, as recited in dependent claim 22. Claims 2, 3, 5, 9, 10, 12, 13, 15-17, 18-21, and 22-24 depend from and add features to independent claims 1 and 11 and are thus allowable over the cited references for at least the same reasons as claims 1 and 11. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claims 1-3, 5-13, and 15-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,881,534 to Ahlqvist *et al.* in view of the Lee *et al.* publication. Applicants respectfully traverse the rejection. As noted above, independent claims 1 and 11 have been amended to recite that the balloon is placed in a first sealed interior space of the pouch and an oxygen absorber is placed in a second sealed interior space of the pouch. As discussed above, the Lee *et al.* publication does not disclose such a pouch, nor the step of placing an oxygen absorber within the pouch. Similarly, the Ahlqvist *et al.* patent does not disclose a

pouch with a first sealed interior space and a second sealed interior space. Thus, even if combined, the combination does not disclose or render obvious the features recited in independent claims 1 and 11. Further, neither the Ahlqvist *et al.* publication, nor the Lee *et al.* publication, disclose that the nitrogen gas flush reduces the oxygen content within the pouch to less than about 10%, as recited in independent claim 1 and dependent claim 21. The cited references certainly do not disclose reducing the oxygen content to below 1%, as recited in dependent claims 8 and 22. Claims 2, 3, 5-10, 12, 13, and 15-24 depend from and add features to independent claims 1 and 11 and are thus allowable over the cited references for at least the same reasons as claims 1 and 11. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Conclusion

For the foregoing reasons, Applicants believe all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 543-0221.

Respectfully submitted,

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